

NEWS RELEASE

(For immediate release)

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LANDMARK SETTLEMENT OF CLASS ACTION LAWSUITS TO IMPROVE DISABILITY ACCESS TO CALIFORNIA STATE PARKS

Two individuals with disabilities, two disability rights organizations, and the California Department of Parks and Recreation announced today that they have reached a comprehensive settlement agreement covering all California State Parks. The settlement resolves two related class action lawsuits alleging a denial of access to California State Parks due to access barriers. The class representatives -- Bonnie Tucker, Peter Mendoza, Californians for Disability Rights and the California Council of the Blind -- are represented by Disability Rights Advocates, a non-profit law center in Oakland, California. Defendants, represented by the California Attorney General's Office, include the State of California, its Department of Parks and Recreation, and the Department's Director, Ruth Coleman. Defendants have denied all liability and wrongdoing. Under the settlement, formalized in a consent decree, the Department of Parks and Recreation has committed to a comprehensive plan for improving access for park visitors with mobility and sensory disabilities so that they can fully participate in the many recreational programs offered at California State Parks.

"With this settlement, California is on its way to having the most accessible park system in the country," said Laurence Paradis, Executive Director of Disability Rights Advocates and lead counsel for the plaintiffs. "We are very pleased that the Parks Department has embraced its obligation to ensure that people with disabilities are fully included in programs and activities offered at California State Parks."

Ruth Coleman, the Director of the Department of Parks and Recreation, commented: "State Parks is already involved in making significant changes at many park locations and we committed to providing greater access with this settlement plan. We are the stewards of some of the most diverse and spectacular resources found anywhere in the world and it is our desire to share those resources with all citizens."

The California State Park system contains the largest and most diverse natural and cultural heritage holdings of any state agency in the nation. Currently, there are more than 270 separate park units, which include state beaches, historic monuments and parks, state reserves, and state recreational areas. A park unit may include undeveloped property, beaches, reservoirs, wilderness areas, reserves, off-highway vehicle areas, lighthouses, historic structures and museums. A diverse range of programs is offered including hiking, camping, picnicking,

swimming, boating, historic and educational programs, biking, fishing, and other activities. Over 80 million visits are made to California State Parks each year.

The primary lawsuit, *Tucker v. California Department of Parks and Recreation*, was originally filed in federal court in 1998. Working cooperatively to resolve the lawsuit, the parties jointly selected an access expert in 1999 to oversee a comprehensive survey of programs and facilities throughout the park system. For more than a year, a team of specialized Department personnel trained by the joint expert conducted surveys of physical barriers and reviewed all Department policies and practices. Under the guidance of this expert, the Department developed a detailed transition plan for physical barrier removal, changes in policies, and other access improvements. The parties then negotiated a comprehensive consent decree agreement to ensure access to all of the programs, services and activities of the park system.

In the transition plan, each state park is assigned a level based on visitation, the number of activities offered, the uniqueness of the programs, and geographic distribution. Pursuant to the consent decree, the Department will first improve parks with the highest number of annual visits. These improvements will include a specified number of accessible trails as well as access to all of the park's recreational, educational and interpretive programs. Other parks will have a longer amount of time to make enhancements and provide access. Additionally, the parties reached creative solutions that will help park concessions, such as food vendors, make their services accessible to visitors with disabilities. The attached fact sheet summarizes the scope and timetable of the access improvements agreed to in the settlement.

The Department started its comprehensive accessibility program in 2002, and has already accomplished significant improvements at several parks. Some of these include Anza Borrego Desert SP, Brannan Island SRA, Doheny SB, Folsom Lake SRA, Half Moon Bay SB, Hungry Valley SVRA, Lake Oroville SRA, Lake Perris SRA, and San Luis Reservoir SRA. The California State Parks' website includes an online resource to identify available accessible activities at these and other state parks in California.

Jeff Thom, president of the California Council of the Blind, an organizational plaintiff in the case, stated, "This settlement will enable thousands of blind and visually impaired Californians and visitors to our state to more fully enjoy the beauty of our state park system and gain a true appreciation of the incredible state in which we live."

"Although many take 'a walk in the park' for granted, people with disabilities have historically been excluded from inaccessible areas of natural beauty," said Plaintiff Peter Mendoza. "This settlement will guarantee to people with disabilities the equal opportunity to enjoy the wonderful resources our state parks have to offer."

The consent decree agreement includes provisions for ongoing reporting by the Department and monitoring by the jointly selected expert and plaintiffs' attorneys. The federal court will maintain its jurisdiction to enforce the consent decree.

The agreement has received preliminary approval from the federal court. Notice of the settlement is now being provided to all members of the plaintiff class. The parties have proposed that the court set a final approval hearing for November 18, 2005.

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